

**U.S. Department of the Interior  
Bureau of Land Management**

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**Decision Record - Memorandum  
PacifiCorp Power Line Amendment Right-of-way  
April 2016**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management  
Worland Field Office





# **Decision Record - Memorandum**

## **PacifiCorp Power Line Amendment Right-of-way**

### **DECISION**

It is my decision to approve the associated (ROW) described as Proposed Action of Environmental Assessment No. DOI-BLM-WY-R010-2016-0014-EA, and to include those measures proposed by PacifiCorp's ROW amendment application and Plan of Development.

The Proposed Action was chosen as being the most environmentally sound alternative. Terms and Conditions necessary for this action are attached and considered a part of this approval. This action has been analyzed in the referenced EA and found to have no significant impacts, thus an EIS is not required.

### **Authorities:**

NEPA (42 U.S.C. §§ 4321- – 4347), as amended

Title V of FLPMA, Sec. 501. [43 U.S.C. 1761]

### **Mitigation and Monitoring:**

To assure compliance with the approved action, the project will be monitored during regularly scheduled field inspections.

### **Terms / Conditions / Stipulations:**

This authorization will be granted subject to the Terms and Conditions as attached.

### **PLAN CONFORMANCE AND CONSISTENCY**

Land Use Plan Name: Worland Field Office Resource Management Plan

Date Approved: September 21, 2015

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The proposed action conforms to the Record of Decision and Approved Resource Management Plan for Worland dated September 21, 2015. The decisions in the Worland Resource Management Plan (WRMP) provide overall management direction for resources on BLM-administered land in the Worland Field Office, Wyoming.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

WRMP/ROD record numbers:

6023, The preferred location of new ROW will be in or adjacent to existing disturbed areas associated with existing ROW or high traffic gravel roads or highways, where possible.

6029, Manage 1,767,274 acres as ROW avoidance areas (Map 3-24). Manage PHMAs as ROW avoidance areas for new ROW or SUA permits (799,391 acres). Within PHMAs where new ROWs/SUAs are necessary, locate new ROWs/SUAs within designated RMP corridors or adjacent to existing ROWs/SUAs where technically feasible. Subject to valid existing rights, including non-federal land inholdings, locate new, required ROWs/SUAs adjacent to existing

ROWs/SUAs or where impacts to Greater Sage-Grouse are minimized. Work with proponents to design ROW applications to protect Greater Sage-Grouse

The Worland RMP (pgs 103-109) delineates preferred right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and area available for right-of-way. The Worland RMP states that the BLM would manage public lands to meet transportation and ROW needs by providing opportunities to meet ROW demands while protecting important resources.

## **ALTERNATIVES CONSIDERED**

The Environmental Assessment (EA) for the Project considered two alternatives, No Action and the Proposed Action with Mitigation.

The No Action alternative assessed the effects of not implementing any portion of the proposal. The No Action alternative implies that on-going development and activities would be allowed to continue in the area, but the proposed action would be disallowed. Additional actions would be considered by the BLM on a case-by-case basis.

The Proposed Action alternative assessed and disclosed the projected effects of the applicant's proposal as submitted, with BLM staff specialists input. It was felt that certain mitigation measures were necessary and proper to provide adequate protection of the surface. For the purpose of analysis, Terms and Conditions attached are part of this alternative.

## **RATIONALE FOR DECISION**

Approval of the Proposed Action will allow PacifiCorp to use an existing power line ROW, serial number WYW-069509 to serve various wells located in the Cottonwood Creek Oil Field, Washakie County, Wyoming, as provided for by the Federal Land Policy and Management Act of 1976, as amended. This decision recognizes that there will be minimal impacts to resources until such time as the site has been successfully reclaimed. Implementation of the mitigation measures stated above will address impacts to resource values identified in the EA.

## **PROTEST AND APPEAL OPPORTUNITIES**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (BLM Worland Field Office, 101 S. 23rd St., Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR §2801.10 or 43 CFR § 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1)the relative harm to the parties if the stay is granted or denied;
- (2)the likelihood of the appellant's success on the merits;
- (3)the likelihood of immediate and irreparable harm if the stay is not granted; and
- (4)whether the public interest favors granting the stay.

/s/Michael J. Phillips		April 6, 2016	
Worland Field Office Manager		Date	

Attachments

DOI-BLM-WY-R010-2016-0014-EA, FONSI

Terms and Conditions

Plan of Development

Map

# Terms & Conditions

## Terms & Conditions

In addition to the standard Terms and Conditions in the right-of-way grant, the following Specific Terms and Conditions are for the construction, operation, maintenance, and termination of amendment grant WYW-069509.

DOI-BLM-WY-R010-2016-0014-EA

### General

- Right-of-way amendment grant WYW-069509 is subject to the terms and conditions of the renewal grant WYW-069509 dated February 20, 2010.
- Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. No refuse, discarded poles, hardware, wire or other waste material is allowed on the right-of-way.
- This right-of-way amendment is granted for the power line as it currently exists. Normal maintenance such as removing a weakened pole and replacing it in the same hole or replacing sections of wire may be conducted under this grant. However, no blading or other new surface disturbance, or rerouting may be done without specific written permission from the authorized officer.
- No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- The power line facilities shall be constructed in accordance to standards outlined in Suggested Practices for Raptor Protection of Power Lines, "Raptor Research Foundation, Inc. 2006," or to a newer or more improved standard. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modification and/or additions shall be made by the holder without liability or expense to the United States.
- The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
- The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- The holder will be responsible for taking such measures as may be necessary to protect other authorized facilities on public lands from damage due to construction or use of this right-of-way. The holder is responsible for contacting those other users and coordinating with them.
- The authorized officer may add additional conditions of approval to protect resources, if conditions require it. The operator shall comply with applicable laws and regulations.

### Cultural

- The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

-whether the material appears eligible for the National Register of Historic Places;

-the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

-a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

#### Paleontology

- The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing paleontological localities, or for collecting vertebrate fossils. If paleontological materials are uncovered during operations, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO).
- Within five (5) working days the AO will evaluate the discoveries and take necessary actions to protect or remove the resource. Decisions regarding the appropriate measures to mitigate effects to such resources will be made in consultation with the operator.

#### Reclamation

The holder shall evenly spread the excess soil excavated from pole holes within the right-of-way and in the immediate vicinity of the pole structure.

#### Termination

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The Authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

## **Map of Project**



